

keeps within the walls (or nearly) the number required by the lease contracts, to-wit, 1400, the State can earn above the profit of the leases as shown, \$1,335,200, and if it resumes and keeps 600 within the walls, it can earn above the profits of the lease, \$2,199,200.

It is given as an argument against State resumption, that individuals can manage mechanical and manufacturing ventures more economically, and on page 10 of the Superintendent's address, he quotes from reports relating to the prisons of Northern States, and shows that they are not self-supporting under State management. He says: "The convicts in Northern prisons are all within the walls," and as neither under "resumption" nor under the "lease system," is it proposed to put all convicts within the walls, the results given are not pertinent, nor declared by the superintendent to show that the State could not manage outside convicts as successfully as individuals.

We would not oppose the confirmation of the lease simply because the "public notice by advertisement" required by the law (Sec. 70, page 48, acts of 1881,) did not contain the exact proposition for bids, which were finally agreed upon, if the contract made was, in our judgment, a good one for the State, but call attention to the fact that the public notice given invited bids for the penitentiaries and convicts within the walls, and finding that no one would make a reasonable bid under this proposition, the board leased the penitentiaries, and those within and without the walls, without advertisement, notice or competition, as they believed they had secured a good bargain for the State. But by this lease the proceeds of nine hundred convicts, which were at the time bringing the State a net profit of \$6 per month, or of nearly \$65,000 per year, were transferred to the lessees, and they were given the right by the leases to hire out, the first year, an additional number of 678, which would, at \$6 per month, give a profit of the further sum of \$48,816, aggregating \$113,000 for the first year, less \$20,000 paid back as rent by the lessees, and varying from year to year.

It seems to us, in the light of events which have occurred since the board acted, that so wide a variance in the terms and probable profits, might, and probably would have induced competitive bids, if advertised, and resulted in a more profitable contract for the State.

One of the objects of the erection of the East Texas penitentiary, near Rusk, in Cherokee county, among the iron hills, was to develop by convict labor, the iron interest of that locality and section. No compulsory provision is incorporated in the lease contracts compelling this policy to be carried out.

Under either the lease contracts, or under resumption, the State officers and employees are to supervise and guard the convicts; so in this respect, the treatment of the convicts would not be different.

We think that if the policy of placing all convicts within the walls, whether they are self-supporting or not, that fifteen years is too long a time to contract that the largest proportion may remain outside the walls.

We recognize the lessees as being worthy, reliable gentlemen, financially and otherwise, and of humane disposition, and as having a reputation for honorable deportment in business. It is not on account of the persons who have obtained the lease, but on account of the provisions and policy of the contract that we do not approve.

We recapitulate:

We oppose the approval of the lease contracts for the following reasons:

1. We think the State can resume control, and confine as many convicts within the walls as the lessees are required to confine, and cause the outside labor to earn about \$1,335,200 within fifteen years.

2. We think the State can resume and confine about 600 convicts within the walls (long term men), and save, above the profits of the lease contracts, about \$2,000,000 within the fifteen years.

3. We think if the State can save these sums, it ought to do so, and it can be wisely appropriated to schools, public roads, or reduction of taxation, or other public use, and the consummation of such a result is more desirable than to expend it in paying it to induce the confinement of a limited number of convicts within the walls, who are not self-supporting, while the greater portion are worked outside of the prisons.

4. We think the State can better manage its convicts, alter its policies, regulate the character of labor and industries of the convicts, if it remains unembarrassed by the rights and interests of lessees.

5. We think if we ratify the lease, we commit the State to the policy of the lease for fifteen years, for while the law, prior to 1881, provided that any future Legislature might revoke a lease for any cause. The law of 1881 seems to confine the right of approval or rejection to the first Legislature, except for violation of the terms of the contract.

6. If it is to be the policy of the State to withdraw convict labor

from any kind of employment at which free labor can receive a remuneration, that class which cannot support themselves can be placed upon the first-class public roads and bridges of the State as a charge upon the counties for their actual expense only, and this would relieve, to a great extent, the free laboring classes from a heavy tax and burden, and establish a good system of roads.

7. We are opposed to the approval of the leases, for the other reasons more fully set out in the foregoing statements.

JNO. YOUNG GOOCH,  
JNO. H. TRAYLOR,  
BARNETT GIBBS,  
M. Y. RANDOLPH.

Senator Jones, by consent, introduced a bill entitled "An act to amend section 1, chapter 9, of 'an act authorizing the county commissioners' court of the several counties of this State, to issue bonds for the erection of a court house, and to levy a tax to pay for the same,' approved February 11, 1881."

Referred to Judiciary Committee No. 2.

Senator Cooper presented a petition of citizens of Liberty county, protesting against the enlargement of the thirty-first judicial district, by adding any other counties to said district.

Referred to Committee on Judicial Districts.

Senate joint resolution No. 2, "To submit certain amendments to article 7 of the Constitution," was taken up in regular order, read second time, with committee substitute, and substitute ordered printed.

Senator Gooch moved to suspend the regular order of business to take up committee bill for the sale or lease of school lands.

Adopted, and bill taken up.

Senator Gooch moved that 100 copies be ordered printed to-morrow, and that the bill be made the special order for to-morrow morning, after the morning call, and from day to day until disposed of.

Senator Davis moved to amend by substituting Wednesday for to-morrow, for the time of postponement.

Amendment adopted by the following vote:

YEAS—12.

Cooper,	Fleming,	Patton,
Davis,	Fowler,	Perry,
Evans,	Getzenaner,	Pfeuffer,
Farrar,	Johnson of Collin,	Traylor.

NAYS—11.

Buchanan,	Harris,	Peacock,
Chesley,	Houston,	Randolph,
Collins,	Kleberg,	Terrell.
Gooch,	Martin,	

Motion, as amended, adopted, and, on motion of Senator Collins, Senate adjourned until to-morrow morning at 10 o'clock.

### THIRTY-FIFTH DAY.

SENATE CHAMBER, }  
AUSTIN, TEXAS, February 20, 1883. }

Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called. Quorum present.

Prayer by the Chaplain, Rev. Dr. Smoot.

On motion of Senator Davis, the reading of the journal of yesterday was dispensed with, and the same adopted.

Senator Perry presented a petition from the citizens of Milam county, asking that the people be allowed to vote on a constitutional amendment prohibiting the importation, sale or manufacture of intoxicating liquors as a beverage in this State.

Referred to Committee on Constitutional Amendments.

Senator Pfeuffer presented a petition from the citizens

of Bluffton, Burnet county, requesting that the people be allowed to vote on a constitutional amendment, prohibiting the importation, sale or manufacture of intoxicating liquors as a beverage in Texas.

Referred to Committee on Constitutional Amendments.  
Senator Davis, for Judiciary Committee No. 1, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 107, entitled "An act to amend articles 1005, 1006, 1007, 1008 and 1009 of the Revised Statutes," have carefully examined the same, and the majority instruct me to report the same back with the recommendation that it do pass.

The object of the bill is to change the fall term of the Supreme and Appellate Courts from Tyler to Dallas.

All of which is respectfully submitted.

DAVIS, for Committee.

Read first time.

Senator Buchanan submitted the following minority report:

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

The undersigned, a minority of your Judiciary Committee No. 1, to whom was referred Senate bill No. 107, entitled, "An act to amend articles 1005, 1006, 1007, 1008 and 1009 of the Revised Statutes," having for its object the removal of the Tyler branch of the Supreme Court of Texas to the city of Dallas, have considered the same, and beg leave to dissent from the report of the majority of said committee, and recommend that said bill do not pass.

All of which is respectfully submitted.

J. C. BUCHANAN,  
F. L. JOHNSTON,  
J. A. PEACOCK,  
A. W. TERRELL.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 19, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 38, entitled "An act to amend article 1272, chapter 9, title 29, of the Revised Civil Statutes of the State of Texas," have carefully examined the same, and a majority instruct me to report the same back with the recommendation that it do not pass.

The law, as it now stands, provides that where an application for change of venue is made in conformity with the requirements of article 1271, the judge shall grant the motion, unless he is satisfied, by proof made before him, that the persons making the affidavit are not credible persons. This bill provides for trying the truth of the affidavit for change of venue before the judge, placing the burden of proof of its truth on the party applying. This change is, in the judgment of a majority of your committee, neither desirable or necessary.

All of which is respectfully submitted.

TERRELL, Chairman

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 19, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 215, entitled "An act to amend title 10 of 'an act to adopt and establish the Revised Civil Statutes of Texas,' by adding thereto articles 236a, 236b and 236c," have carefully examined the same, and a majority instruct me to report the same back with the recommendation that it do pass, for the following reasons:

Article 236 of the Revised Civil Statutes declares what officers shall not appear and practice law in certain courts, and the objects of this bill is to more clearly declare what particular acts judges and clerks and deputy clerks of county courts shall not perform, to the end that a growing evil of such officers acting at once in the capacity of judges, clerks, attorneys, administrators and executors may be stopped. A majority of your committee believe the passage of the act is in the interest of litigants, and parties interest in the probate courts.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

Senator Davis submitted the following minority report:

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

The minority of your Judiciary Committee No. 1, to whom was referred Senate bill No. 215, the intention of which is to force the employment of attorneys in all matters of administration or guardianship, dissent from the views of the majority, and recommend that said bill lie on the table. If the bill should become a law, it would no doubt put money into the pockets of such attorneys as practice in the probate courts, but the attorneys are but a small per cent of the people we represent, and we should not, in a special manner, look after their interests. The amounts involved in probate proceedings, are generally small, and estates should be administered with a view to avoid all unnecessary costs and expense.

If administrators and guardians can get along with such friendly advice and assistance as the clerk and county judge are willing to give them, and avoid the expense of counsel, the course is to be commended.

We should not, as this bill seeks to do, make it a misdemeanor for the clerk or the county judge to prepare, or in any manner to direct or devise the preparation of any paper to be used in the probate court. If an informal or irregular paper is presented, we would consider it the duty of the clerk, or the county judge, to advise the party of the fact, and to add a few suggestions as to the proper form; and a little explanation of the law under such circumstances, we do not think should be punished as a crime. Should the clerk even go so far as to tell an administrator how to get up a report of sale, or an annual account, or show him the form in which to endorse an approval of an account, or the form of a notice of sale, or should actually help him to write them out, or be guilty of similar improprieties, we think we could find graver crimes to punish. We have never learned to use much formality in probate proceedings.

It has not yet become the custom in this State for a party who asks the opinion of the clerk or county judge about a matter connected with an estate to be informed that he must go and employ a lawyer, and we see no good reason why it should be.

While we entertain the above views of the bill, we would not be understood as intimating that a county judge should ever act as counsel in any probate matter, or to prepare papers upon which he is to pass as judge; but to the contrary, we think it highly improper for him to do so. The bill, however, seeks to go too far, and would result in inconvenience and cost out of all proportion to any public good that it would ever result in.

All of which is respectfully submitted.

DAVIS,  
MARTIN.

A message was received from the House informing the Senate of the passage by the House of House joint resolution No. 36, "Joint resolution granting leave of absence from the State to Hon. John R. Kennard for sixty days."

Also, House bill No. 48, "An act to prevent the careless handling of firearms, and to fix a penalty therefor."

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 19, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 211, entitled "An act authorizing the county commissioners' court of the several counties of this State to issue bonds for the erection of court houses and jails, and to levy a tax to pay the same," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendment:

After the word "county," in second line of first section, in lieu of the words "which has no court house or jail," insert "requiring or needing a court house or jail."

The object of the law is to supply the deficiency in the old law, which provided only for issuing bonds to build court houses, and many new counties being without jails, the passage of the law is necessary to enable them to supply that pressing need, and as the bill is carefully guarded by restrictions and limitations on the extent of the power of the commissioners' courts, we think it should become a law.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 19, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 246, entitled "An act to amend the Revised Civil Statutes of the State of Texas, by adding thereto articles 2909a and 2909b," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass, for the following reasons:

Repeated decisions of our own and other courts of last resort have established the rule of law that railroad companies and other corporations are not liable in damages for the death or injury of employees resulting from the negligence of their co-laborers, and the purpose of this bill is to change this rule of law, and enact the contrary in the statutes. This we believe to be a radical change, and a dangerous innovation that should not be enacted into a law.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

Senator Evans, for Committee on Public Lands and Land Office, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 19, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Public Lands and Land Office, to whom was referred Senate bill No. 271, entitled "An act to create and establish the land districts of Shackelford, Jones and Nolan," would respectfully report that they have had the same under advisement, and a majority of said committee instruct me to report the same favorably, and recommend that it do pass.

All of which is respectfully submitted.

EVANS, for Committee.

Bill read first time.

Senator Peacock, for Judiciary Committee No. 1, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 19, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 72, entitled "An act to be entitled an act amending articles 3176 and 3179, Revised Statutes, providing a lien for sub-contractors and laborers," have carefully examined the same, and a majority instruct me to report the same back with the recommendation that it do not pass.

The object of the bill is to make the owners of buildings, who have contracted for their erection or repair, and who have paid the contract price for the same, liable to laborers and material men who have contracted with or labored for the original contractor, for at least half the amount due such material men and laborers, on their complying with certain provisions of the bill. A majority of your committee do not think the legislation attempted by this bill is so pressing as to demand the passage of such a law, and that laborers can protect themselves without it.

All of which is respectfully submitted.

PEACOCK, for Committee.

Bill read first time.

Senator Terrell submitted the following minority report:

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

A minority of your committee dissent from the report of the majority. We believe that some law, similar to that which now protects laborers on railroads, is for the interest of the mechanics and workmen, who are often, by reason of their ignorance, defrauded of their wages. Such a law exists in most of the States, and in its operation has not been found to operate harshly on honest contractors or those who employ them.

A. W. TERRELL,  
J. R. FLEMING.

Senator Getzendaner, chairman of Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 19, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 328, entitled "An act to amend article 160 of the Revised Civil Statutes of the State of Texas, and to define the boundaries of Montague county," have carefully examined

the same, and I am instructed by a majority of your committee to report the same back with the recommendation that it do pass.

The object of the above bill is said to be to fix and determine the dividing line between Wise and Montague counties, which is now in dispute.

All of which is respectfully submitted.

GETZENDANER, Chairman.

Bill read first time.

Senator Gooch, chairman of Judiciary Committee No. 2, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 272, entitled "An act to repeal an act entitled 'an act to prohibit railroad companies, their officers, agents and employees from making excessive charges for carrying and transporting freight, goods, wares and merchandise, and to require said companies, their officers, agents and employees to deliver freight, goods, wares and merchandise on the payment of the freight charges due, as shown by the bill of lading, and to provide penalties for violations of this act,'" have carefully examined the same, and instruct me to report the same back with the recommendation that it be referred to your Committee on Internal Improvements.

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time, and referred to Committee on Internal Improvements:

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House bill No. 36, entitled "An act to amend article 743 of the Penal Code," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendment: Amend by inserting after the words "if any person shall," the word "fraudulently."

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House bill No. 35, entitled "An act to amend article 426 of the Penal Code, as amended March 15, 1881," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

The object of the bill is to change the game law. We think it is good enough now; and if not, that it is preferable to the change proposed by this bill.

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House bill No. 34, entitled "An act to amend article 186 of the Penal Code," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, as amended, to-wit:

1. Insert after the word "Sunday," the words "between 9 o'clock a. m. and 4 o'clock p. m."

2. Strike out the proviso.

The Senate has expressed its views on this question, and the bill is altered to suit the majority.

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate petition No. 29, the same being a petition from citizens of El Paso county, asking the passage of a mining law, have carefully examined the same, and instruct me to report the same back with the recommendation that it be referred to your Judiciary Committee No. 1.

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time, and referred to Judiciary Committee No. 1.

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate petition No. 38, the same being a petition of sundry citizens of Fannin county, asking for the passage of a law protecting the hog raising interest, have carefully examined the same, and instruct me to report the same back with the recommendation that it lie on the table, because the committee do not deem it practicable to pass a law prescribing the manner of feeding cotton seed.

All of which is respectfully submitted.

GOOCH, Chairman.  
COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate petition No. 53, "Petition of citizens of Fannin county, asking for an amendment to the local option law," have carefully examined the same, and instruct me to report the same back with the recommendation that it lie on the table, because a bill has been reported favorably upon covering the legislation requested.

All of which is respectfully submitted.

GOOCH, Chairman.  
COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 273, entitled "An act to amend article 4258 of the Revised Civil Statutes of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it be referred to your Committee on Internal Improvements.

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time, and referred to Committee on Internal Improvements.

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 274, entitled "An act to amend articles 3184 and 3185, and add thereto article 3185a," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass, because the law provides a sufficient lien, and ample means for its speedy and cheap enforcement.

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 266, entitled "An act to amend article 422, chapter 5, of title 17, of the Revised Civil Statutes, so as to permit cities to pay their bonds in a less time than ten years, and limiting the rate of tax to the same," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

The law, as it now exists, will not permit the payment of town or city bonds in a less time than ten years. This bill is to permit such payment in a shorter period, in order to stop interest, and to limit the tax to a rate not more than twenty-five cents on the one hundred dollars.

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 257, entitled "An act to amend article 435 of the Code of Criminal Procedure of the State of Texas, providing for the transfer of indictments from the district courts having jurisdiction thereof, and an act amendatory thereof, approved February 5, 1881," have considered the same, and recommend its passage. In counties in which the criminal jurisdiction of the county courts has been conferred on the district courts, the district courts and justice courts have concurrent jurisdiction of petit offenses. The law authorizing transfer of indictments does not authorize the district to transfer any indictment where it has jurisdiction to try the offense; the

act under consideration will permit indictments for offenses over which justices of the peace have jurisdiction to be transferred to the justices to be tried, notwithstanding the district court has concurrent jurisdiction. The passage of the act will give great relief to many district courts in the State, and is an absolute necessity in some counties. Besides, it carries out the spirit of the Constitution, which encourages the speedy trial of small offenses in the neighborhood or locality where the parties and witnesses reside.

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 251, entitled "An act to amend article 1077, of chapter 3, title 15, of the Code of Criminal Procedure, relating to fees paid for holding inquests," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

The law requires an inquest to be held over all persons who die in prison. This includes the penitentiary. The inquest fees are paid by the counties. It is a very heavy burden on the two counties in which the penitentiaries are situated, and this expense, as to State prisoners, ought to be paid by the State, as a means of distributing the burdens.

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 256, entitled "An act to amend article 379 of the Penal Code, and add thereto articles 379a, 379b, 379c and 379d, in reference to the enforcement of the local option law," have carefully examined the same, and instruct me to report the same back with the recommendation that it lay on the table, because another bill has been reported upon favorably on the same subject.

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 258, entitled "An act to amend title 5, chapter 1, of the Penal Code of the State of Texas, by adding thereto articles 240a and 240b," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

The object of the bill is to provide punishment for bribing or attempting to bribe aldermen, and to punish such officers for receiving a bribe.

No such law now exists as to these officers.

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 244, entitled "An act to amend article 704, chapter 6, of the Penal Code of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass. The bill proposes to change the definition of larceny. We think the law better as it now exists.

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 221, entitled "An act to repeal article 736, chapter 12, of the Penal Code of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 231, entitled "An act to amend article 172 of the Penal Code, in regard to punishing inspectors of hides and animals," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 237, entitled "An act to regulate the conduct of dogs, and prescribe the duties of officers and the public, and the liabilities of the owners relating thereto," have carefully examined the same, and a majority of the committee instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 222, entitled "An act to amend the Penal Code of Texas, by adding thereto article 678a, providing a penalty against any engineer on a railway train who fails to comply with the requirements of article 4232, in ringing the bell or blowing the whistle at a road crossing, or who fails to bring his train to a full stop at a railroad crossing," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendments:

1. Amend by striking out "one thousand dollars," and inserting "one hundred dollars."
2. Strike out the words "nor less than one hundred dollars, one-half of which shall go to the informer."

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate petition No. 56, the same being a memorial of blacksmiths and carriage makers, have carefully examined the same, and instruct me to report the same back with the recommendation that it lie on the table, as the law provides sufficient means.

All of which is respectfully submitted.

GOOCH, Chairman.

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 275, entitled "An act to amend section 1, chapter 9, of an act authorizing the county commissioners' courts of the several counties of this State to issue bonds for the erection of a court house, and to levy a tax to pay for the same, approved February 11, 1881," have carefully examined the same, and instruct me to report the same back with the recommendation that it be referred to Judiciary Committee No. 1, who have the same subject under consideration.

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time, and referred to Judiciary Committee No. 1.

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 229, entitled "An act for the protection of persons who have made advances or supplies on timber," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 255, entitled "An act to prohibit the sale or giving away of intoxicating liquors within five miles of the center of the public square in the town of Seymour, Baylor county," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass, because we believe it to be unconstitutional, and that the people are secured the right to settle this question by a vote in each locality.

All of which is respectfully submitted.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate petition No. 43, a petition from the citizens of Baylor county, asking for the passage of a special act to prevent the sale or giving away of malt and intoxicating liquors within five miles of the center of the public square of the town of Seymour, Baylor county, have carefully examined the same, and instruct me to report the same back with the recommendation that it lay on the table, and that no bill pass incorporating its provisions, because we think the Constitution guarantees to each locality the right of the people by a vote of the people.

All of which is respectfully submitted.

GOOCH, Chairman.

Senator Fowler, for Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 19, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 223, to be entitled "An act to amend articles 3176 and 3177, chapter 2, title 61, of the Revised Civil Statutes of the State of Texas, relating to mechanics' liens," have had the same under consideration, and instruct me to report the same back with the accompanying substitute, and recommend that the substitute be adopted and that the bill, as substituted, do pass.

All of which is respectfully submitted.

FOWLER, for Committee.

Bill read first time.

Senator Fowler, chairman of Committee on Military Affairs, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 19, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Military Affairs, to whom was referred House joint resolution No. 35, "Instructing our Senators and requesting our Representatives in Congress to prevent the removal of troops and the abandonment of military posts on the Rio Grande frontier," have considered the same, and a majority of the committee instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

FOWLER, Chairman.

Resolution read first time.

Senator Cooper, for Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 230, entitled "An act for the protection of mill and material men," have carefully examined the same, and instruct me to report the same back with the accompanying substitute, and recommend that said substitute do pass.

All of which is respectfully submitted.

COOPER, for Committee.

Bill read first time.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and

compared Senate bill No. 68, being "An act to amend articles 3707 and 3733 of the Revised Statutes."

Also, Senate bill No. 210, being "An act to amend the Penal Code so as to provide for the punishment of those who, without authority, pull the bell cord of a railway train when the train is in motion."

And find the same correctly engrossed.

MARTIN, Chairman.

Senator Johnson of Collin introduced a resolution that the Committee on Finance be instructed to investigate and enquire into the sufficiency of the bond of the State Treasurer.

Referred to Committee on Finance.

Senator Evans introduced a bill to be entitled "An act authorizing joint owners of fences, and persons whose fences join, to remove and separate fences upon proper notice."

Referred to Judiciary Committee No. 1.

Senator Chesley introduced a bill to be entitled "An act to regulate the duties of telegraph companies, and to prescribe a penalty for the violation of the same."

Referred to Judiciary Committee No. 1.

Senator Traylor introduced a bill to be entitled "An act to amend article 4724, chapter 3, title 95, of the Revised Statutes, to fix and equalize the compensation of assessors of taxes."

Referred to Committee on Finance.

On motion of Senator Patton, Senators Kleberg and Johnston of Shelby were excused, on account of sickness, and Senator Pope was excused for yesterday and to-day for the same reason.

Senator Fleming presented a petition from the citizens of Brown county, protesting against the leasing out of convicts, and the recent action of the State authorities in renewing the lease of convicts for a longer period of time.

Referred to Committee on Penitentiaries.

The President referred the following House bills:

House bill No. 48, "An act to prevent the careless handling of firearms, and to fix a penalty therefor."

Referred to Judiciary Committee No. 2.

House bill No. 49, "An act to reorganize the twenty-fifth judicial district of the State of Texas, and to provide the times for holding the district courts therein."

Referred to Committee on Judicial Districts.

Also, House joint resolution No. 36, "Granting leave of absence from the State to Hon. John R. Kennard for sixty days."

Referred to Committee on State Affairs.

On motion of Senator Terrell, chairman of Judiciary Committee No. 1, that committee was permitted to withdraw from the Senate Senate bill No. 43, for further consideration.

The President laid before the Senate Senate bill 186, "An act to protect hog raising in the State of Texas."

Bill taken up and read third time.

Senator Davis offered the following amendment:

Amend by striking out "dogs" and inserting "bitch, or son of a bitch."

Senator Johnson of Collin moved to lay amendment of Senator Davis on the table.

Adopted.

Senator Gooch offered the following amendment:

Amend by adding, before the word "premises," the word "enclosed."

Lost by the following vote, it requiring a two-thirds vote to adopt an amendment to a bill on its third reading:

YEAS—11.

Buchanan,	Getzendaner,	Randolph,
Chesley,	Gooch,	Shannon,
Davis,	Martin,	Traylor.
Fowler,	Peacock,	

NAYS—11.

Collins,	Gibbs,	Patton,
Evans,	Houston,	Pfeuffer,
Farrar,	Johnson of Collin,	Terrell.
Fleming,	Matlock,	

Bill passed by the following vote:

YEAS—15.

Collins,	Harris,	Patton,
Evans,	Houston,	Perry,
Farrar,	Johnson of Collin,	Pfeuffer,
Fleming,	Jones,	Terrell,
Gibbs,	Matlock,	Traylor.

NAYS—10.

Buchanan,	Getzendaner,	Peacock,
Chesley,	Gooch,	Randolph,
Davis,	Martin,	Shannon.
Fowler,		

House bill No. 22, "An act to authorize and require the county commissioners' court of the several counties in the State to provide for the payment of all claims due teachers of public free schools, audited as valid claims under acts of the Legislature of Texas, approved August 7, 1876, or April 22, 1879," was taken up in regular order and read second time.

The report of the committee recommending that it lie on the table was adopted, and bill tabled subject to call.

Senate joint resolution No. 2, "Amending sections 3, 4, and 6, of article 7, of the Constitution of the State of Texas," was taken up, with substitute of committee, and report adopted, on motion of Senator Gooch.

The amendments to the three sections were read separately, on motion of Senator Gooch.

Senator Gooch offered the following amendment to resolution amending section 3:

Add before the word "tax," in line 5, the word "State." Adopted.

Senator Houston offered the following amendment:

Strike out "fifteen cents" and insert "not more than twenty-five cents."

Senator Fleming offered the following amendment:

Amend the amendment by striking out "not more than twenty-five cents," and inserting "not less than fifteen cents and not exceeding twenty-five cents."

Pending the discussion of the amendment, on motion of Senator Gooch, the Senate adjourned until 3 o'clock p. m. to-day.

## AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor in the chair.

Roll called. Quorum present.

The unfinished business under consideration on adjournment, was taken up and considered.

The amendment of Senator Fleming to the amendment of Senator Houston pending.

Senator Davis moved previous question on pending amendment of Senator Fleming.

Amendment lost by the following vote:

YEAS—10.

Chesley,	Harris,	Pattor,
Collins,	Houston,	Pfeuffer,
Fleming,	Jones,	Randolph.
Fowler,		

NAYS—17.

Buchanan,	Gibbs,	Peacock,
Cooper,	Gooch,	Perry,
Davis,	Johnson of Collin,	Shannon,
Evans,	Johnston of Shelby,	Terrell,
Farrar,	Martin,	Traylor.
Getzendaner,	Matlock,	



A message was received from the House, notifying the Senate of the passage by that body of House concurrent resolution, inviting General Diaz and other Mexican citizens en route to Texas, to visit the Capital City.

Senator Fleming moved to suspend the rules and take up the above House concurrent resolution just reported from the House.

Rules suspended, and concurrent resolution taken up, and, on motion of Senator Fleming, adopted.

Senator Gooch moved previous question on pending amendment of Senator Houston to Senate joint resolution No. 2.

Motion seconded and main question ordered.

The amendment of Senator Houston was adopted by the following vote:

## YEAS—17.

Chesley,	Harris,	Peacock,
Collins,	Houston,	Perry,
Cooper,	Johnston of Shelby,	Pfeuffer,
Fleming,	Jones,	Pope,
Fowler,	Martin,	Randolph,
Gibbs,	Patton,	

## NAYS—11.

Buchanan,	Getzendaner,	Shannon,
Davis,	Gooch,	Terrell,
Evans,	Johnson of Collin,	Traylor,
Farrar,	Matlock,	

Senator Peacock moved to reconsider the vote just taken.

On motion of Senator Pope, the Senate adjourned until 10 o'clock a. m. to-morrow.

## THIRTY-SIXTH DAY.

## SENATE CHAMBER,

AUSTIN, TEXAS, February 21, 1883.

Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called. Quorum present.

Prayer by the Rev. Dr. Chaplin, of Brenham.

On motion of Senator Perry, the reading of the journal of yesterday was dispensed with, and the same adopted.

Senator Collins, for Committee on Stock and Stockraising, submitted the following report:

COMMITTEE ROOM,

AUSTIN, February 20, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred Senate bill No. 217, entitled "An act to amend chapter 93, of the acts of April 4, 1881, an act to protect stockraisers, and to encourage stockraising," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

COLLINS, for Committee.

Bill read first time.

Senator Pfeuffer, chairman of Committee on Finance, submitted the following reports:

COMMITTEE ROOM,

AUSTIN, February 21, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred the special message of the Governor, accompanied by a communication from Hon. W. J. Swain, Comptroller, relating to back taxes, and certain resolutions passed by the Capitol Board, recommending an appropriation for the purpose of protecting the temporary Capitol from imminent dangers from fire and rain, in case the foundation should be weakened by water, have had the last named subject under consideration, and have instructed a bill to be reported, which is returned herewith, recommending an appropriation of sixteen thousand dollars for the purpose of protecting the temporary Capitol from dangers now imminent on account of improper drainage, and other defects and requisites necessary.

All of which is respectfully submitted.

PFEUFFER, Chairman.

COMMITTEE ROOM,

AUSTIN, February 21, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill

No. 279, entitled "An act to amend article 3724, chapter 3, title 95, Revised Statutes, to fix and equalize the compensation of assessors of taxes," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

PFEUFFER, Chairman.

Bill read first time.

COMMITTEE ROOM,

AUSTIN, February 21, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 259, entitled "An act to amend article 4767, Revised Statutes, relating to the fees of tax collectors," have carefully examined the same, and instruct me to report the same back with the accompanying substitute therefor, with the recommendation that the substitute do pass.

PFEUFFER, Chairman.

Bill read first time.

COMMITTEE ROOM,

AUSTIN, February 21, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Finance, to whom was referred House bill No. 286, entitled "An act to provide a clerk for the Secretary of the Board of Education, to fix his salary, and to make an appropriation for the same," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

PFEUFFER, Chairman.

Bill read first time.

Senator Davis, for Committee on Constitutional Amendments, submitted the following report:

COMMITTEE ROOM,

AUSTIN, February 21, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate petitions Nos. 23, 24, 28, 31, 33, 36, 37, 45, 46 and 47, requesting the submission of an amendment to the Constitution to prohibit the manufacture or sale of intoxicating liquors in this State," have had the same under consideration, and the majority of the committee instruct me to report back the accompanying joint resolution and to recommend the adoption of the same.

All of which is respectfully submitted.

DAVIS, for Committee.

Senator Harris, chairman of Committee on Judicial Districts, submitted the following report:

COMMITTEE ROOM,

AUSTIN, February 21, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 49, entitled "An act to reorganize the twenty-fifth judicial district of the State of Texas, and to provide the times for holding the district courts therein," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

HARRIS, Chairman.

Bill read first time.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,

AUSTIN, February 21, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 1, being "An act to further regulate the creation and proceedings of private corporations, by amending articles 566 and 570, of title 20, of the Revised Statutes, and by adding to said title another article, to be styled article 574a;"

Also, Senate bill No. 218, being "An act to amend articles 1007 and 1008 of the Revised Statutes of Texas, approved February 21, 1879;"

And find the same correctly engrossed.

MARTIN, Chairman.

Senator Patton introduced a bill to be entitled "An act relating to certain contracts for the lease or conditional sale of railroad equipments and rolling stock, and providing for the record thereof."

Referred to Judiciary Committee No. 1.

Senator Perry introduced a bill to be entitled "An act to require railroad companies in this State to allow passengers to travel on freight trains on their roads, where they do